



**Maricopa County Air Quality Department**  
**Substantive Policy Statement: SPS-2018-007**  
**Nondiscrimination Program Policy; Grievance Procedures**  
**Issue Date: September 1, 2020**

**Approved by:**

*Philip A. McNeely*

**Philip A. McNeely, Director**

A substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the county and does not impose additional requirements or penalties on regulated parties or include confidential information or rules or ordinances adopted pursuant to Arizona Revised Statutes (A.R.S.) Title 49 (The Environment), Chapter 3 (Air Quality). [A.R.S. §§ 11-1601(8), 49-471(17)]

If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under A.R.S. § 41-1033 for a review of the statement. [A.R.S. § 41-1033]

An applicant for a license subject to A.R.S. Title 11 (Counties), Chapter 11 (County Regulations), Article 1 (General Provisions) may request a county to clarify its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement affecting the procurement of that license by providing the county with a written request that satisfies the requirements of A.R.S. § 11-1609(A). [A.R.S. § 11-1609]

**I. Purpose**

This substantive policy statement (SPS) establishes a framework for taking reasonable steps to ensure access to all services provided by the Maricopa County Air Quality Department (MCAQD) for all Maricopa County citizens and establishes procedures whereby MCAQD will receive and investigate allegations of discrimination.

**II. Applicability**

This SPS applies to all employees and programs of MCAQD.

**III. Statutory Authority**

- A.** Title VI of the Civil Rights Act of 1964 [Prohibits discrimination based on race, color, or national origin, in any program, service, or activity that receives federal assistance]
- B.** Title IX of the Education Amendments of 1972 (Title IX) [Prohibits discrimination on the basis of sex in any education or training program receiving federal financial assistance, with a limited number of defined exceptions]
- C.** Section 504 of the Rehabilitation Act of 1973 (Section 504) [Forbids discrimination on the basis of an individual's disability by all federal agencies and in all federally funded activities]

- D. The Age Discrimination Act of 1975, as amended [Prohibits discrimination in federally supported activities on the basis of age]

#### IV. Divisions Affected

- A. Air Monitoring
- B. Compliance and Enforcement
- C. Finance
- D. Permitting
- E. Planning and Analysis
- F. Travel Reduction and Outreach

#### V. Definitions

For the purpose of this SPS, the following definitions apply:

- A. **Disability** – A hearing, vision, cognitive, ambulatory, self-care, and/or independent living difficulty.
- B. **Limited English Proficient (LEP) Person** – Individuals who do not speak English as their primary language and who have limited ability to read, write, speak, or understand English.
- C. **Nondiscrimination Program Coordinator** – MCAQD representative who ensures compliance with federal nondiscrimination statutes.

#### VI. Discussion

MCAQD is committed to ensuring that no person is excluded from participation in, denied the benefits of, or subjected to discrimination under any program, activity, or service that it provides. MCAQD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group.

Title VI of the Civil Rights Act of 1964 is the overarching civil rights law that prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance.” Nondiscrimination prohibitions have been further broadened and supplemented by related statutes, regulations and executive orders. MCAQD is actively engaged in Title VI activities as a recipient of federal assistance from the Environmental Protection Agency (EPA) and the Department of Homeland Security (DHS).

MCAQD will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under any of its programs, regardless of the funding source for the program. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, or national origin, or have the effect of defeating or



substantially impairing accomplishment of the objectives of the program because of race, color or national origin.

MCAQD will not tolerate intimidation, threats, coercion, or discrimination against any individual or group, either (1) for the purpose of interfering with any right or privilege guaranteed under law or regulations or (2) because the individual has filed a complaint or has testified, assisted or participated in any way in an investigation, proceeding or hearing or has opposed any MCAQD action or decision.

MCAQD will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities.

## **VII. Procedures**

**A. Public Notice of the MCAQD's Nondiscrimination Program:** Public notice of MCAQD's Nondiscrimination Program will be prominently posted:

1. In MCAQD's offices; and
2. On MCAQD's web site.

**B. Public Notice / Meeting Planning:** The development and distribution of public notices and planning for public meetings or hearings regarding MCAQD's actions will consider the LEP and disabled population density in the area most impacted by MCAQD's action or program.

1. Staff engaged in developing public notices and planning of public meetings will consult the following data sources regarding the geographic distribution of LEP and disabled populations within Maricopa County to inform the plan:
  - a. Household Proportions with Limited English-Speaking Ability
  - b. Civilian Non-Institutionalized Population Proportions with a Disability

2. MCAQD's public notices will include the following text:

"MCAQD will take reasonable measures to provide access to department services to individuals with limited ability to speak, write, or understand English and/or to those with disabilities. Requests for language interpretation services or for disability accommodations must be made at least 48 hours in advance by contacting: [Department Contact Information]"

"MCAQD tomará las medidas necesarias para brindar acceso a los servicios del departamento a personas que no dominan el idioma inglés y/o personas con discapacidades. Las solicitudes de servicios de interpretación de otro idioma o adaptaciones para discapacitados deben realizarse con al menos 48 horas de anticipación comunicándose con: [Departamento de Información de Contacto]"

**C. The Nondiscrimination Program Coordinator:**

1. Ensures information regarding MCAQD's Nondiscrimination Program is internally and externally available;
2. Posts and maintains public notice of, and procedures for receipt and processing of complaints;

3. Tracks and reviews complaints received;
4. Trains department staff on MCAQD's Nondiscrimination Program and procedures;
5. Provides written updates to complainants on the progress of investigations; and
6. Periodically reviews the efficacy of MCAQD's Nondiscrimination Program.

**D. Grievance Procedures:** If someone believes they have suffered from discrimination under an MCAQD program, they may contact the MCAQD Nondiscrimination Program Coordinator to seek informal resolution. If the matter cannot be resolved informally, the following steps will be followed:

1. Within 180 days of the alleged discrimination, complainants may submit a written or verbal complaint to the Nondiscrimination Program Coordinator. Complaints must include the complainant's name, the nature of the complaint, the dates of the alleged discrimination, requested action, and contact information.
2. The Nondiscrimination Program Coordinator will review the complaint and may solicit additional information from the complainant as needed. If additional information is requested and not received, the case may be closed. The case may also be closed if the complainant no longer wishes to pursue their case.
3. A complaint log will be kept by MCAQD containing the name and address of the complainant, nature of the complaint, date of submission and results of the investigation.
4. If the complaint is outside the jurisdiction of MCAQD, the complainant will be notified of the name and contact information for the appropriate agency with jurisdiction, if known.

**E. Complaint Processing:** If the complaint is within the jurisdiction of MCAQD, or informal resolution was not possible, it will be promptly investigated. MCAQD's goal is to address complaints within 60 days of receipt, though the time to carefully investigate complaints may be longer depending on the nature of the complaint and complexity of the issue.

**F. Preliminary Inquiry:** MCAQD will conduct a preliminary inquiry to determine the need for further investigation.

1. MCAQD will notify the complainant in writing that a preliminary inquiry is underway to determine the need for further investigation.
2. If the preliminary inquiry by MCAQD indicates that an investigation is warranted, the complainant will be notified in writing and an interview will be scheduled.
3. If the preliminary inquiry indicates an investigation is not warranted, the complainant will be notified in writing of the reasons why and factors considered.

**G. Complaint Investigation:**

1. Complaints warranting further investigation will be promptly processed by the MCAQD Nondiscrimination Program Coordinator. The preponderance of evidence standard will be applied to all complaint investigations. The results of the investigation will be provided to the MCAQD Director and Deputy Director for review.

2. The complainant will be notified in writing of the results of the investigation and what actions will be/have been taken in response and a timeline to request review.
3. Records and investigative files will be kept for a minimum of three years.

#### **VIII. References**

Not applicable.

#### **IX. Revision History**

<b>Version</b>	<b>Revision Date</b>	<b>Description of Revision</b>
1	2006	Initial version; PP-2006-01
2	09-01-2016	Revised; became PP-2016-001; superseded PP-2006-01
3	02-28-2017	Revised
4	09-05-2018	Changed format; became SPS-2018-007; superseded PP-2016-001
5	09-03-2019	Reviewed and changed format
6.	09-01-2020	Reviewed and corrected typographical errors

